IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

and
THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 13 of 2000

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 23-11-1999 in W.P.No.24240 of 1999 on the file of the High Court.)

Between:

The Management of M/s Tirumala Hatcheries Pvt Ltd., Madikonda,

Warangal District, rep., by its General Manager, Sri A.Ezhil Kumar,

S/o R.Annaamalai, aged about 38 years, r/o Hanamkonda,

Warangal District.

..... APPELLANT

AND

1.The Industrial Tribunal-cum-Labour Court, Warangal

rep., by its Presiding Officer.

2.Sri A.Sadananda Chary, alias A.Sadaanandam,

S/o Ramaiah, aged about 34 years, Occ: APSRTC Driver,

E.No.650916, c/o Depot Manager, APSRTC,

Mahabubabad, Warangal District.

.....RESPONDENTS

Counsel for the Appellant: MR.G.PRAVEEN KUMAR
Counsel for the Respondent Nos.1 & 2: GP FOR LABOUR

The Court made the following :

JUDGMENT: (Per the Hon'ble Smt Justice T.Meena Kumari)

The appellant call in, questions the legality of the judgment rendered by a learned single Judge of this Court in W.P.No.24240 of 1999 dated 23.11.1999.

The 2nd respondent joined in the appellant-Management on 23-12-1989 as a driver of light motor vehicle. On 01-04-1994, termination order was issued on the premise of disobedient, quarrelsome and obstinate nature of the 2nd respondent. Challenging the same, he raised an industrial dispute in I.D.No.98 of 1994. The Tribunal after evaluating the oral and documentary evidence and having observed that the termination order was passed without conducting the domestic enquiry, directed the appellant-Management for reinstatement of the 2nd respondent with continuity of service, back wages and other benefits. Aggrieved by the same, the appellant preferred the writ petition.

After scrutinizing the entire evidence on record and having heard the

learned counsel, the learned single Judge dismissed the writ petition. Questioning the same, the present writ appeal has been preferred the present writ appeal.

We have heard the learned counsel appearing on behalf of the parties.

At this penultimate stage of proceedings, it is brought to the notice of this Court that though the 2nd respondent was not reinstated into service by the Management pursuant to the order of the learned single Judge, during the course of the pendency of the proceedings, but he was sufficiently employed in A.P.S.R.T.C.

In view of the findings of the Tribunal as well as the learned Single Judge which are justified and do not require any interference and in the absence of denial of the employment of the 2nd respondent, we confine the order of reinstatement from the date of removal till the date of award. In view of the changed circumstances, We are of the view that no purpose would be served even by ordering reinstatement of the 2nd respondent. Therefore, ordering payment of 50% of back wages from the date of removal till the date of Award in lieu of reinstatement, would meet the ends of justice. The learned counsel for the 2nd respondent has also conceded for the said arrangement and the learned standing counsel has also no objection for the same.

Accordingly, this writ appeal is disposed of. The appellant-Management is directed to pay 50% of the back wages from the date of removal till the date of reinstatement in lieu of reinstatement of the 2nd respondent. However, it is made clear that the Management is at liberty to deduct the payment of back wages if any made during the course of the lis. It is further made clear that the above exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

T.MEENA KUMARI, J

P.LAKSHMANA REDDY, J

19-07-2005

rkk/Gurc

To

1.The Presiding Officer, Industrial Tribunal-cum-Labour Court, Warangal

2. Two CCs to GP for Labour, High Court buildings, Hyderabad. (OUT)

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